

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

UNITED STATES OF AMERICA

CRIMINAL NO.: 2:16-cr-79-001

v.

Sentencing Date: January 24, 2017

DERIC JEVON TWITTY

DEFENDANT'S POSITION WITH RESPECT TO SENTENCING

COMES NOW Defendant Deric Jevon Twitty, by counsel, and hereby respectfully submits the following as Defendant's position with respect to his sentencing:

I. Outstanding Defense Objection to Presentence Report

A. Offense Level Computation (Paragraph 20, Base Offense Level)

Defendant respectfully withdraws the objection to the attribution to him of 11.6204 kg of Methamphetamine.

B. Offense Level Computation (Paragraph 23, Adjustment for Role in the Offense)

Defendant respectfully withdraws the objection to the three-point enhancement given to him for being "a manager or supervisor (but not an organizer or leader) and the criminal activity involved five or more participants or was otherwise extensive."

II. Argument

18 U.S.C. Section 3553 (a)'s overarching mandate directs that a "court shall impose a sentence sufficient, but not greater than necessary to comply with the purposes set forth in" Section 3553 (a)(2). The Guideline Provisions in the presentence investigation report

recommends a sentence for the Defendant between 324 and 405 months. Defendant respectfully submits that a sentence of 324 months is sufficient but not greater than necessary in this case.

Given the fact that Defendant fully admitted involvement in the offense and expressed remorse for his criminal actions, a punishment at the low end of the guideline range would be appropriate. Active punishment at the low end of the advisory guideline range would be sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of 18 U.S.C. § 3553(a).

Defendant had all the support and love of a nurturing family when he was growing up. However, Defendant's path clearly diverged from his positive childhood and upbringing. Notwithstanding, given his involvement in the narcotic distribution business, it is noteworthy that his criminal history does not include any violent offenses. Furthermore, Defendant has acknowledged that drug-dealing to earn a living is wrong as evidenced by his decision to plead guilty shortly after being taken into federal custody. Defendant's willingness to take responsibility, as well as his post-arrest conduct to mitigate his offenses, has saved both the Government's and this Court's time and resources.

III. Conclusion

WHEREFORE, for the reasons stated above, Defendant Deric Jevon Twitty, by counsel, humbly requests this Court to sentence Defendant to a term of no more than 324 months of incarceration.

Such a term would be sufficient, but not greater than necessary, to accomplish the goals set forth in 18 U.S.C. § 3553(a).

Respectfully submitted this 24th day of January, 2017.

DERIC JEVON TWITTY

By: _____ /s/
Of Counsel

Eric Leckie, Esq. (VSB #86847)
INVICTUS LAW
2408 Princess Anne Road
Virginia Beach, Virginia 23456
Office (757) 337-2727
Fax (757) 474-1671
ericleckie@leckielaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of January, 2017, I electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

William David Muhr, Esquire
Assistant United States Attorney
Attorney for the United States
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, Virginia 23510
(757) 441-6331
bill.Muhr@usdoj.gov

John F. Butler, Esquire
Assistant United States Attorney
Attorney for the United States
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, Virginia 23510
(757) 441-6331
john.f.butler@usdoj.gov

_____/s/
Eric Leckie, Esq. (VSB #86847)
INVICTUS LAW
2408 Princess Anne Road
Virginia Beach, Virginia 23456
Office (757) 337-2727
Fax (757) 474-1671
ericleckie@leckielaw.com